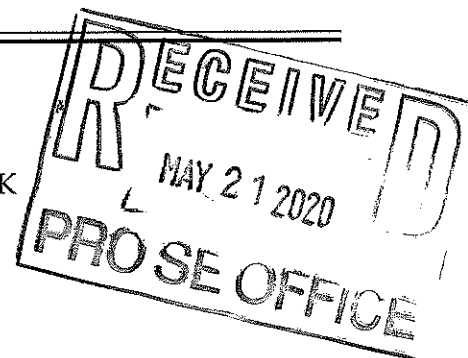


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



Jonathan Postell Sr

Write the full name of each plaintiff.

~~52~~ ~~2019 00000~~

CV

(Include case number if one has been assigned)

-against-

Fallsburg Library

Do you want a jury trial?

☐ Yes ☐ No

**20cv3991**

Write the full name of each defendant. The names listed above must be identical to those contained in Section I.

**EMPLOYMENT DISCRIMINATION COMPLAINT**

**NOTICE**

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

## I. PARTIES

### A. Plaintiff Information

Provide the following information for each plaintiff named in the complaint. Attach additional pages if needed.

Jonathan		Postell Sr
First Name	Middle Initial	Last Name
94 Meyerhoff rd		
Street Address		
Sullivan, Hurleyville	N.y	12747
County, City	State	Zip Code
845-428-1474	jpostellsr@icloud.com	
Telephone Number	Email Address (if available)	

### B. Defendant Information

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. (Proper defendants under employment discrimination statutes are usually employers, labor organizations, or employment agencies.) Attach additional pages if needed.

Defendant 1:	Kelly Wells		
	Name		
	12 Railroad Plaza		
	Address where defendant may be served		
	Sullivan, So. Fallsburg	n.y	12779
	County, City	State	Zip Code
Defendant 2:	Pennie Mercado		
	Name		
	12 railroad plaza		
	Address where defendant may be served		
	Sullivan, So. Fallsburg	N.y	12779
	County, City	State	Zip Code

Defendant 3:

Jenny Silverman

Name

12 Railroad Plaza

Address where defendant may be served

Sullivan, So. Fallsburg

N.y

12779

County, City

State

Zip Code

## II. PLACE OF EMPLOYMENT

The address at which I was employed or sought employment by the defendant(s) is:  
Fallsburg Library

Name

1214 Railroad Plaza

Address

Sullivan, So. Fallsburg

n.y

12789

County, City

State

Zip Code

## III. CAUSE OF ACTION

### A. Federal Claims

This employment discrimination lawsuit is brought under (check only the options below that apply in your case):

- ☒ **Title VII of the Civil Rights Act of 1964**, 42 U.S.C. §§ 2000e to 2000e-17, for employment discrimination on the basis of race, color, religion, sex, or national origin

The defendant discriminated against me because of my (check only those that apply and explain):

☒ race:

☒ color:

☐ religion:

☒ sex:

☒ national origin:

- ☒ **42 U.S.C. § 1981**, for intentional employment discrimination on the basis of race

My race is: \_\_\_\_\_

- ☒ **Age Discrimination in Employment Act of 1967**, 29 U.S.C. §§ 621 to 634, for employment discrimination on the basis of age (40 or older)

I was born in the year: \_\_\_\_\_

- ☒ **Rehabilitation Act of 1973**, 29 U.S.C. §§ 701 to 796, for employment discrimination on the basis of a disability by an employer that constitutes a program or activity receiving federal financial assistance

My disability or perceived disability is: leaking disk

- ☒ **Americans with Disabilities Act of 1990**, 42 U.S.C. §§ 12101 to 12213, for employment discrimination on the basis of a disability

My disability or perceived disability is: leaking disk

- ☐ **Family and Medical Leave Act of 1993**, 29 U.S.C. §§ 2601 to 2654, for employment discrimination on the basis of leave for qualified medical or family reasons

## **B. Other Claims**

In addition to my federal claims listed above, I assert claims under:

- ☒ **New York State Human Rights Law**, N.Y. Exec. Law §§ 290 to 297, for employment discrimination on the basis of age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status
- ☒ **New York City Human Rights Law**, N.Y. City Admin. Code §§ 8-101 to 131, for employment discrimination on the basis of actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, sexual orientation, alienage, citizenship status
- ☒ Other (may include other relevant federal, state, city, or county law):  
seniority, godfather claus, equal pay

#### IV. STATEMENT OF CLAIM

##### A. Adverse Employment Action

The defendant or defendants in this case took the following adverse employment actions against me (check only those that apply):

- ☐ did not hire me
- ☐ terminated my employment
- ☒ did not promote me
- ☒ did not accommodate my disability
- ☒ provided me with terms and conditions of employment different from those of similar employees
- ☒ retaliated against me
- ☒ harassed me or created a hostile work environment
- ☒ other (specify): denied my seniority, demoted me, ignored my grandfather clause rights

##### B. Facts

State here the facts that support your claim. Attach additional pages if needed. You should explain what actions defendants took (or failed to take) *because of* your protected characteristic, such as your race, disability, age, or religion. Include times and locations, if possible. State whether defendants are continuing to commit these acts against you.

they gave me an office put me in it and told me you are now our cataloger for the last nine years I have asked for a raise to commensurate my position every year all I get is excuse after excuse budget, looking for a place to build or move the library, the board has emergencies, we are working on it. not this year, lets see what the budget allows. Now they have found someone who's mom is on the friends committee to commit to doing the job since she can't find work any where else. Now she works in my position two days a week and I am cataloging two days a week and working circulation desk one day a week. I'm being deprived of my grandfather clause rights, my seniority rights, equal pay and equal work opportunity because of my age and my race. I have a ergonomic chair that I received from the v.e.s.i.d program the first chair someone broke,

As additional support for your claim, you may attach any charge of discrimination that you filed with the U.S. Equal Employment Opportunity Commission, the New York State Division of Human Rights, the New York City Commission on Human Rights, or any other government agency.

## V. ADMINISTRATIVE PROCEDURES

For most claims under the federal employment discrimination statutes, before filing a lawsuit, you must first file a charge with the U.S. Equal Employment Opportunity Commission (EEOC) and receive a Notice of Right to Sue.

Did you file a charge of discrimination against the defendant(s) with the EEOC or any other government agency?

☒ Yes (Please attach a copy of the charge to this complaint.)

When did you file your charge? 2019-07-09

☐ No

Have you received a Notice of Right to Sue from the EEOC?

☒ Yes (Please attach a copy of the Notice of Right to Sue.)

What is the date on the Notice? paper 03/06/2020 mistakes

When did you receive the Notice? email 03/12/2020 still waiting for mail

☐ No

## VI. RELIEF

The relief I want the court to order is (check only those that apply):

☐ direct the defendant to hire me

☐ direct the defendant to re-employ me

☒ direct the defendant to promote me

☐ direct the defendant to reasonably accommodate my religion

☒ direct the defendant to reasonably accommodate my disability

☒ direct the defendant to (specify) (if you believe you are entitled to money damages, explain that here)

I was promised a raise for taking the cataloging position and consistently given reasons they couldn't afford it but continued hiring others and promoting others while skipping over me and paying them higher wages than me although I have been here 10 years before they arrived. I was hired in 2005 when I was hired I had a thirteen day holiday pay plan that came with the job 2008 they changed the rules and put me on a 40hrs per year sick day plan. in 2011 our cataloger was

## VII. PLAINTIFF'S CERTIFICATION

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

05/11/2020		Jonathan Postell Sr	
Dated Jonathan		Plaintiff's Signature Postell Sr	
First Name	Middle Initial	Last Name	
94 Meyerhoff rd			
Street Address			
Sullivan, Hurleyville		n.y	12747
County, City	State	Zip Code	
845-428-1474		jpostellsr@icloud.com	
Telephone Number		Email Address (if available)	

I have read the attached Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

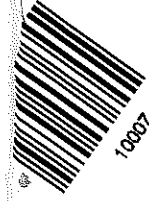
☐ Yes   ☐ No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.

Postell BR  
94 MEYERHOFF RD  
12747



7016 3090 0001 6751 5241



U.S. POSTAGE  
FOR POSTAGE  
12505 LETTER  
MAY 12  
AMOUNT 20

\$7.10  
R2305K137345-05

PRO SE intake unit  
U.S. District Court  
PEARL ST N.Y. NY  
500  
10007

RECEIVED  
MAY 21 2020  
PRO SE OFFICE